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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,464	03/20/2001	Tsuneo Sato	FJ-2000-045-US	7958
21254	7590	05/05/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/811,464

Applicant(s)

SATO ET AL

Examiner

Tuan V. Ho

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2615

1. Applicant's election with traverse of the invention of Group I, claims 1, 2 and 4-5 is acknowledged in Paper filed on 7/21/04 is acknowledged. Thus, claims 3 and 6-9 are withdrawn from further consideration on the merits as Non-elected claims. The traversal is on the ground(s) that there would be no additional searching burden placed on the PTO in the examination of Group I-III claims.

This is not found persuasive because:

1) the search required for each of Groups I-III is completely different as shown by the different subclasses in class 348.

2) the search for Group I is not required for Group II or III and Group II is not for Group I or III, and Group III is not for Group I or II.

3) Applicants do not show any evident that proves the search for the groups I-III, which is not a serious burden to the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2615

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Squilla et al (US 6,396,537).

With regard to claim 1, Squilla et al discloses in Fig. 2, an interactive telecommunication network system that comprises the electronic camera which obtains a desired image from a server storing images of tourist spots and providing an image in accordance with a request from a user (digital camera 24 obtains desired images of attraction site 10 from image server 70 or image spot 10, col. 3, lines 47-67 and col. 4, line 1-2), through an external communication device capable of determining communication area where the external communication device is [image spot 10 inherently includes a function of determining a communication area such as 1) detecting the communication connection with the camera when the camera is in the area; and 2) storing spot images such as theme park, amusement parks, sporting sites; the information is related to a desired information of a photographer in the visited theme park], the electronic camera comprising: a communication device which

Art Unit: 2615

transmits a request for obtaining an image of a tourist spot to the server through the external communication device (digital camera 24 includes communication processor 40 and transceiver 30 that are used to send a request to obtain desired image to image server 70 where the image spot 10 receives image information from server 70, col. 5, lines 46-67; as a result, the camera communicates with server 70 through image spot 10) and receives information and the image of the tourist spot around the communication area from the server (image spot 10 transfers desired attraction information and images to digital camera 24, where image information is related to the theme park where the photographer visits); display which displays the information and the image of the tourist spot obtained from the server through the external communication device (LCD 50, col. 4, lines 34-35); an information input device which selects and inputs a desired image from the displayed tourist spot information (User interface 31 col. 4, line 11); and a recording medium which records the image of the tourist spot received through the external communication device and records an image gotten by an imaging operation (memory 48, col. 4, line 31 and col. 5, lines 1-9).

With regard to claim 2, Squilla et al discloses in Fig. 2, an interactive telecommunication network system that comprises

Art Unit: 2615

the information processing device which combines the image of the tourist spot recorded on the recording medium with the image obtained by the imaging operation (microprocessor 42, col. 4, line 31, col. 2, lines 64-67, col. 3, line 1 and col. 6, lines 61-64).

With regard to claim 4, Squilla et al discloses in Fig. 2, an interactive telecommunication network system that comprises the imaging device (CCD image sensor 44, col. 4, line 27); server comprises an image selecting device which selects the image of the tourist spot in the neighborhood on the basis of the information of the communication area of the external communication device when there is sent the request for obtaining the image of the tourist spot through the external communication device from the electronic camera (interface 78 and microprocessor 76, col. 5, lines 64-67 and col. 6, lines 1-50 and col. 7, line 39-67); and a transmitting device which transmits the selected image of the tourist spot to the electronic camera (communication processor 84 and transceiver 80, col. 6, lines 1-12).

With regard to claim 5, Squilla et al discloses in Fig. 2, an interactive telecommunication network system that comprises the information processing device which combines the image of the tourist spot recorded on the recording medium with the image

Art Unit: 2615

obtained by the imaging operation (microprocessor 42, col. 4, line 31, col. 2, lines 64-67, col. 3, line 1 and col. 6, lines 61-64).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura discloses a camera and photo data input system for a camera.

Allen et al discloses photographic and data transmission system.

Steinberg discloses a camera messaging and advertisement system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JIM GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

Art Unit: 2615

A handwritten signature in black ink, consisting of a series of loops and a final flourish.

TUAN HO

Primary Examiner

Art Unit 2615